

Public Law 96-493
96th Congress

An Act

Dec. 2, 1980
[S. 2251]

To amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

Gasohol
Competition Act
of 1980.
15 USC 1 note.
15 USC 27.
15 USC 26a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasohol Competition Act of 1980".

SEC. 2. The Clayton Act is amended by redesignating section 26 as section 27 and by inserting after section 25 the following new section:

"SEC. 26. (a) Except as provided in subsection (b), it shall be unlawful for any person engaged in commerce, in the course of such commerce, directly or indirectly to impose any condition, restriction, agreement, or understanding that—

"(1) limits the use of credit instruments in any transaction concerning the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability in any case in which there is no similar limitation on transactions concerning such person's conventional motor fuel; or

"(2) otherwise unreasonably discriminates against or unreasonably limits the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability in any case in which such synthetic or conventional motor fuel is sold for use, consumption, or resale within the United States.

Credit fee.

"(b)(1) Nothing in this section or in any other provision of law in effect on the date of the enactment of this Act which is specifically applicable to the sale of petroleum products shall preclude any person referred to in subsection (a) from imposing a reasonable fee for credit on the sale, resale, or transfer of the gasohol or other synthetic motor fuel referred to in subsection (a) if such fee equals no more than the actual costs to such person of extending that credit.

"(2) The prohibitions in this section shall not apply to any person who makes available sufficient supplies of gasohol and other synthetic motor fuels of equivalent usability to satisfy his customers' needs for such products, if the gasohol and other synthetic fuels are made available on terms and conditions which are equivalent to the terms and conditions on which such person's conventional motor fuel products are made available.

"(3) Nothing in this section shall—

"(A) preclude any person referred to in subsection (a) from requiring reasonable labeling of pumps dispensing the gasohol or other synthetic motor fuel referred to in subsection (a) to indicate, as appropriate, that such gasohol or other synthetic motor fuel is not manufactured, distributed, or sold by such person;

"(B) preclude such person from issuing appropriate disclaimers of product liability for damage resulting from use of the gasohol or other synthetic motor fuel;

"(C) require such person to provide advertising support for the gasohol or other synthetic motor fuel; or

"(D) require such person to furnish or provide, at such person's own expense, any additional pumps, tanks, or other related facilities required for the sale of the gasohol or other synthetic motor fuel.

"(c) As used in this section, 'United States' includes the several States, the District of Columbia, any territory of the United States, and any insular possession or other place under the jurisdiction of the United States."

Approved December 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1464 accompanying H.R. 7873 (Comm. on the Judiciary).

SENATE REPORT No. 96-868 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 126 (1980):

June 20, considered and passed Senate.

Nov. 17, H.R. 7873 considered and passed House; passage vacated and S. 2251, amended, passed in lieu.

Nov. 19, Senate concurred in House amendment.